SIXTY-THIRD DAY

(Continued)

(Thursday, April 29, 1971)

After Recess

The Senate met at 9:15 o'clock a.m., and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	\mathbf{Wilson}
Herring	Word
Hightower	

A quorum was announced present.

Committee on Education Granted Permission to Meet While Senate in Session

On motion of Senator Mauzy and by unanimous consent, the Committee on Education was granted permission to meet while the Senate was in session.

Committee on Oil and Gas Granted Permission to Meet While Senate in Session

On motion of Senator Grover and by unanimous consent, the Committee on Oil and Gas was granted permission to meet while the Senate was in session.

Committee on Nominations Granted Permission to Meet While Senate in Session

On motion of Senator Grover and by unanimous consent, the Committee on Nominations was granted permission to meet while the Scnate was in

Reports of Standing Committees

By unanimous consent, Senator Hall

Committee on County, District and Urban Affairs:

H. B. No. 741 (Floor Report).

By unanimous consent, Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 989.

House Bill 741 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 741 was ordered not printed.

House Bill 989 Ordered Not Printed

On motion of Senator Word and by unanimous consent H. B. No. 989 was ordered not printed.

Bills Added to Local and Uncontested Bills Calendar

On motion of Senator McKool and by unanimous consent, S. B. No. 258, S. B. No. 929 and S. B. No. 874 were added to the Local and Uncontested Bills Calendar.

Bill Added to Local and Uncontested Bills Calendar

On motion of Senator Word and by unanimous consent, H. B. No. 989 was added to the Local and Uncontested Bills Calendar.

Bill Added to Local and Uncontested Bills Calendar

On motion of Senator Aikin and by unanimous consent, H. B. No. 190 was added to the Local and Uncontested Bills Calendar.

Bills Added to Local and Uncontested Bills Calendar

On motion of Senator Herring and by unanimous consent, S. B. 917 and H. B. 1162 were added to the Local and Uncontested Bills Calendar.

(President Pro Tempore in Chair)

Local and Uncontested Bills Calendar

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following bills were laid besubmitted the following report for the fore the Senate, read second time,

passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three-Day Rule and final passage indicated after each bill)

S. B. No. 129 (Snelson) (31-0) (31-0)

C. S. S. B. No. 219 (McKool)) 31-0) (31-0)

S. B. No. 258 (McKool) (30-1) Harris "Nay" (30-1) Harris "Nay"

S. B. No. 574 (Christie) (31-0)

S. B. No. 656 (Watson) (31-0)

S. B. No. 702 (Sherman) (31-0)

S. B. No. 832 (Herring) (31-0)

S. B. No. 874 (Bernal) (31-0)

S. B. No. 900 (Harrington) (31-0)

S. B. No. 902 (Herring) (31-0) (31-0)

S. B. No. 910 (Word) (31-0)

S. B. No. 917 (Herring) 31-0)

S. B. No. 929 (Hall) (31-0) (31-0)

S. B. No. 948 (Watson) (31-0)

H. B. No. 126 (Watson) (31-0)

H. B. No. 190 (Aikin) (31-0)

H. B. No. 214 (Hall) (31-0)

H. B. No. 306 (Hall) (30-1) Watson "Nay" (30-1) Watson "Nay"

H. B. No. 396 (Connally) (31-0)

H. B. No. 479 (Jordan) (31-0)

H. B. No. 480 (Jordan) (31-0)

H. B. No. 481 (Jordan) (31-0)

H. B. No. 553 (Moore) (31-0)

H. B. No. 564 (Harris) (31-0)

H. B. No. 586 (Moore) (31-0)

H. B. No. 590 (Harrington) (31-0)

H. B. No. 620 (Moore) (31-0)

H. B. No. 652 (Brooks) (31-0)

H. B. No. 691 (Beckworth) (31-0)

H. B. No. 692 (Beckworth) (31-0)

H. B. No. 741 (Hall) (31-0) (31-0)

H. B. No. 797 (Herring) (31-0)

H. B. No. 798 (Herring) (31-0)

H. B. No. 948 (Connally) (31-0) (31-0)

H. B. No. 989 (Word) (31-0)

H. B. No. 1159 (Beckworth) (31-0) (31-0)

H. B. No. 1162 (Herring) (31-0)

S. C. R. 43 (Mauzy) (31-0)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment(s) printed following bill number, as well as vote on suspension of Constitutional Three Day Rule and final passage)

H. B. No. 186 (Hightower)—

Senator Hightower offered the following Committee Amendment to the bill:

Amend H. B. 186, Section 2, Subsection (a) by striking the entire Subsection and substituting in lieu thereof the following:

"(a) 'School property' as used herein shall include public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by a school for assemblies or other school sponsored activities."

read and was adopted.

Senator Hightower offered the following Committee Amendment to the

Amend H. B. 186 to strike all above the enacting clause and substitute the following:

A bill to be entitled "An Act prohibiting any person or persons on school property or on public property within five hundred feet of school property from willfully disrupting school classes or other school activities, prescribing a penalty for violation, defining certain terms, making this Act cumulative of existing laws, providing severability, and declaring an emergency."

The Committee Amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 557 (Brooks)—

Senator Brooks offered the following Committee Amendment to the bill:

Amend No. 1 to S. B. 557 in subsection (f) the comma after "political subdivision" where it appears the second time.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 736 (Christie)-

Senator Christie offered the following Committee Amendment to the bill:

Amend Senate Bill No. 736 by deleting Section 1 thereof and substituting the following:

"Section 1. Section 22(a) of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended by Section 13 of Chapter 328, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

"Section 22(a) When under Section 10 of this Act the Director believes read and was adopted.

The Committee Amendment was the licensee to be incapable of safely operating a motor vehicle, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this Section, and upon charges in writing, a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing. For the purpose of hearing such cases, jurisdiction is vested in the mayor of the city, or judge of the police court, or a Justice of the Peace in the county where the operator or licensee resides. Such officer may receive a fee for hearing such cases if such a fee is approved and set by the County Commissioner's Court which has jurisdiction over the residence of the operator or licensee and such fee shall not exceed Five (\$5.00) Dollars per case and shall be paid from the General Revenue Fund of the County. Any fees, not to exceed Five (\$5.00) Dollars per case, which the County Commissioner's Court may determine to be owed to such officer for past hearings, or any fees, not to exceed Five (\$5.00) Dollars per case, previously paid such officer for hearing said cases, is hereby authorized. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days' writ-ten notice to the Department. Upon such hearing, the issues to be determined are whether the license shall be suspended or whether the license shall be revoked, and, in the event of a suspension, the length of time of the suspension, which shall not exceed one (1) year. The officer who presides at such hearing shall report the finding to the Department which shall have authority to suspend the license for the length of time reported; provided, however, that in the event of such affirmative finding, the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to the address shown on the license of the licensee shall constitute service for the purpose of this Section."

The Committee Amendment was

On motion of Senator Christic and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(29-2) Creighton, Watson "Nay" "Nav"

(29-2) Watson, Creighton "Nay" "Nay"

S. B. No. 792 (Hall)—

Senator Hall offered the following Committee Amendment to the bill:

Amend Senate Bill 792 by striking all the caption and inserting a new caption to read as follows:

A BILL TO BE ENTITLED

An Act amending Article 1709, Revised Civil Statutes of Texas, 1925, as amended, providing for the receiving, safekeeping and disbursing of all monies belonging to the county by the county treasurer; pre-scribing and clarifying the duties of the county treasurer pertaining thereto; making said duties applicable to each county treasurer of the State; making them chief custodians of county monies and liable for any wilful dereliction of duty or malfeasance of funds; pertaining to duties of other officers with responsibilities related to county monies; providing the severability clause; providing a clarifying clause; and declaring an emergency.

The Committee Amendment was read and was adopted.

Senator Hall offered the following Committee Amendment to the bill:

Amend Senate Bill 792, Section 1, line six by striking the word "shall" between the word "court" and the word "provide" and inserting in lieu therefor the word "may."

The Committee Amendment was read and was adopted.

Senator Hall offered the following Committee Amendment to the bill:

Amend Senate Bill 792 by striking all of Section 5, and inserting in lieu therefor a new section to read as fol-

bilities of the County Auditors of the State of Texas shall in no way be affected or changed by this law. Reference to various articles mentioned herein pertaining to County Auditors is intended for the purpose of clarification only and for no other reason."

The Committee Amendment was read and was adopted.

Senator Hall offered the following Committee Amendment to the bill:

Amend Senate Bill 792 by striking the words "various officers" in the first sentence of Section 7, and inserting in lieu therefor the following words, "County Treasurers."

The Committee Amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(30-1) Creighton "Nay" (30-1) Creighton "Nay."

S. B. No. 888 (Beckworth)—

Senator Beckworth offered the following Committee Amendment to the bill:

Amend the quoted Sec. 5 of Section 1 of S. B. 888 by striking the figures "\$4,200" wherever they appear and substituting in lieu thereof the following: "\$4,500."

The Committee Amendment was read and was adopted.

On motion of Senator Beckworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 949 (Watson)-

Senator Watson offered the following amendment to the bill:

Amend Senate Bill No. 949 by adding a new section in Section 1 to be numbered Section 2 and read as follows:

"Section 2. The Commissioners' Court of Falls or Limestone Counties may extend the prohibition on the use of a squealer, call, or other device or instrument referred to in Section 1 to any privately owned land or "Section 5. All existing laws per- lands or to any designated section or taining to the duties and responsi- portions of said County or all of said County. The Commissioners' Court of either county shall notify the Texas Parks and Wildlife Commission of their desire to broaden its provisions of the prohibition in Section 1 and after receiving a return from the Texas Parks and Wildlife Commission, shall so specify what land or portion of all of said County the provision shall apply to over and beyond said State owned lands, if any, on the farms prescribed by the Texas Parks and Wildlife Commission and return the same property attested to as the official act of the Commissioners' Court of Falls or Limestone County."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

At Ease

The President Pro Tempore announced the Senate would Stand at Ease Subject to the Call of the Chair at 10:20 o'clock a.m.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 10:24 o'clock a.m.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 389, To Committee on Jurisprudence.

H. B. No. 672, To Committee on Education.

Messages From the Governor

The following Messages received from the Governor were read and referred to Committee on Nominations:

> Austin, Texas April 29, 1971

To The Senate of The Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be Judge of The 25th Judicial District, until the next general election and until his successor shall be duly elected and qualified:

To be effective April 30, 1971:

B. B. Schraub, Seguin, Guadalupe County.

Respectfully submitted, PRESTON SMITH Governor of Texas

> Austin, Texas April 29, 1971

To The Senate of The Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be District Attorney of The 25th Judicial District, until the next general election and until his successor shall be duly elected and qualified:

To be effective April 30, 1971:

Houston C. Munson, of Gonzales, Gonzales County.

Respectfully submitted, PRESTON SMITH Governor of Texas

Special Message to the Senate From Governor Preston Smith

In my address to the Joint Session in January, I stated I would have further recommendations to make.

Attached is a special message, a copy of which will be delivered to each member today.

Thank you.

Sincerely, PRESTON SMITH Governor of Texas

From the Office of Governor Preston Smith April 29, 1971

A Special Message to the Members of the 62nd Legislature

As this Regular Session of the Sixty-second Legislature prepares to move into the final month, I am encouraged by the progress that is being made toward the final enactment of a general appropriations bill and a tax bill.

Although I realize that the legislative process often requires compromises, and no Governor has ever seen all of his recommendations adopted, I am deeply disappointed and sharply concerned over the failure to enact legislation which would increase the cost of tuition at our state-supported

colleges and universities.

In my message to a Joint Session on February 18, I recommended tuition increases that would raise an estimated \$100 million during the next biennium. My budget recommendations provided for substantial increases for tuition scholarships and fellowships which, along with student loan programs, would continue to insure that anyone with the ability and sincere desire to attend college would not be prohibited because of the cost of tuition and fees.

It is common knowledge that the cost of attending a state-supported college or university is lower in Texas than practically any other state. In fact, in other states, nine out of ten colleges charge higher tuition and fees to their resident students than we charge in Texas. Furthermore, the tuition we charge an out-of-state student who attends a Texas institution is often less than he would have paid if he had stayed in his home

state to attend college.

We have not increased tuition in Texas since 1957. Since then, appropriations per student have increased from \$519 to \$1,100—and our tuition charge is still \$50 per semester. The cost of a college education in Texas is the biggest bargain this state has to offer. It will be no less of a bargain if tuition is increased either in accordance with my recommendations or as passed by the House in the early stages of this Session.

ly stages of this Session.

The facts which I have cited in this message will not impress those who subscribe to the philosophy that education should be free for the asking. But I think that more and more taxpayers will be impressed as they learn that their tax effort for higher education is greater than any of the ten largest states, while the cost borne by the students is among the

lowest.

Failure to increase tuition during this session will shift even more of the cost of higher education to the taxpayer. We have heard considerable talk during this session concerning the need for a "balanced" tax bill. No plan for raising new revenue can be balanced or fair unless it contains a tuition increase. I urge each of you to give this recommendation your sincere and objective consideration.

Communication From Attorney General

The following Communication received from the Attorney General was read and referred to Committee on Nominations:

April 7, 1971

Hon. Charles A. Schnabel Secretary of the Senate the State of Texas Capitol Station Austin, Texas 78711

Re: Stuart Long

Dear Mr. Secretary:

I am enclosing a letter addressed to The Honorable Martin Dies, Jr., Secretary of State, dated December 29, 1969, from Crawford C. Martin, Attorney General of Texas, which is self-explanatory. Apparently this letter was never received by the Senate and no action has been taken by the Senate with reference to the confirmation of Mr. Long.

I am authorized to advise the Senate that General Martin would still like to submit the name of Mr. Stuart Long of Austin, Texas, as his representative to the School Land Board, to replace Mr. William S. Lott of

Georgetown.

Cordially yours,

CRAWFORD C. MARTIN Attorney General of Texas

By: Nola White First Assistant

Senate Bills on First Reading

Senator Watson moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained:

Aikin Kennard Kothmann Bates Beckworth Mauzy Bernal McKool Blanchard Moore Patman Brooks Christie Ratliff Connally Schwartz Sherman Creighton Grover Snelson Wallace Hall Watson Herring Wilson Hightower Word Jordan

Absent

Bridges Harrington Harris

The following bills were then introduced, read first time and referred to the Committee indicated:

By Senator Watson:

S. B. No. 951, A bill to be entitled "An Act to permit certain individuals to attend an adjacent public school free of tuition; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Brooks:

S. B. No. 952, A bill to be entitled "An Act amending Chapter 127, Acts of the 60th Legislature of the State of Texas, Regular Session, 1967, as amended by Chapter 558, Acts of the 61st Legislature of the State of Texas, Regular Session, 1969 (Article 6228g, V.T.C.S.), to provide that the beneficiary of any deceased member who had not less than 29 years' service and had attained at least 80 years of age to be eligible for benefits thereunder; providing a severability clause; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Hall:

S. B. No. 953, A bill to be entitled "An Act validating the incorporation of all cities and towns of more than 600 and less than 2,000 inhabitants, heretofore incorporated or attempted to be incorporated under general laws of Texas under the Commission form ary lines thereof where an overlapping third reading and final passage.

of territory occurred at the time of such incorporation and which overlapping of territory has been removed by an ordinance of either such cities or towns; validating governmental proceedings; and declaring an emergency."

To Committee on County, District and Urban Affairs.

House Bill 581 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 581, A bill to be entitled "An Act making a supplemental appropriation to the Board of Architectural Examiners; increasing the salary of the Executive Secretary; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 581 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 581 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Kennard
Bates	Kothmann
40	
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bridges

Harrington

The President Pro Tempore then of government; validating the bound- laid the bill before the Senate on its The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Kennard Kothmann
Bates	
Beckworth	Mauzy
Bernal	McKool
Blanchard	\mathbf{M} oore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bridges

Harrington

House Bill 387 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 387, A bill to be entitled "An Act relating to the salary of the judge of the County Court at Law of Hidalgo County; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 387 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 387 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-31

Aikin	Grover
Bates	Hall
Beckworth	Harrington
Bernal	Harris
Blanchard	Herring
Bridges	Hightower
Brooks	Jordan
Christie	$\mathbf{Kennard}$
Connally	Kothmann
Creighton	Mauzy

McKool	Snelson
Moore	Wallace
Patman	Watson
Ratliff	Wilson
Schwartz	\mathbf{Word}
Sherman	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-31

Aikin Bates Beckworth Bernal Blanchard Bridges Brooks	Jordan Kennard Kothmann Mauzy McKool Moore Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	\mathbf{Watson}
Harris	Wilson
Herring	Word
Hightower	

House Bill 222 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 222, A bill to be entitled "An Act amending Article 19.01, Code of Criminal Procedure, 1965, relating to the qualifications for jury commissioners, by eliminating the requirement that a jury commissioner be a freeholder; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 222 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 222 be placed on its third reading and final passage.

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays-1

Grover

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmanı
Bernal	Mauzy
Blanchard	McKool
Bridges	\mathbf{Moore}
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	\mathbf{Word}
••	

Nays-1

Grover

Senate Bill 363 With House Amendment

Senator Kennard called S. B. No. 363 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 363, First Printing, by:

(1) striking on lines 54-55 of page 1 the phrase "less than Eleven Thousand, Five Hundred Dollars (\$11,500.00) and not"; and (2) striking on line 58 of page 1

(2) striking on line 58 of page 1 the phrase "minimum and maximum amounts" and substituting the phrase "maximum amount."

The House amendment was read.

Senator Kennard moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas-31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmanr
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Bill 19 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 19, A bill to be entitled "An Act relating to the term of office of supervisors of the Mayfair Park Municipal Utility District; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 19 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 19 be placed on its third reading and final passage.

Jordan Aikin Bates Kennard Beckworth Kothmann Bernal Mauzy Blanchard McKool Bridges Moore Patman Brooks Christie Ratliff Connally Schwartz Creighton Sherman Grover Snelson Wallace Hall Harrington Watson Harris Wilson Word Herring Hightower

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 72 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 72, Requesting the Parks and Wildlife Commission to issue an additional series of bonds in order to continue acquisition and development of new parks; providing Legislative recognition of need to invoke general obligation provision of the Constitution if necessary to pay premiums at maturity.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 468 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 468, A bill to be entitled "An Act including within the definition of peace officers in the Code of Criminal Procedure police officers of state-supported institutions of higher education, including public junior colleges, who have been commissioned officers while on the property under the control and jurisdiction of the respective state institutions of higher education of this state or otherwise in the performance of their duties. It is further provided that any officers assigned to duty and commissioned

pursuant to statute, and police officers employed by the State Board of Control, who have been commissioned pursuant to statute; amending Article 2.12, Texas Code of Criminal Procedure, 1965, as amended; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend House Bill No. 468 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, is hereby amended by the addition of a new Section to be known as Section 1.5 to read as follows:

'Definition of state institutions of higher education

'Section 1.5. As used in this Act the term "state institutions of higher education" shall mean and include any public junior college, public senior college or university, medical or dental unit or other agency of higher education as defined in the Higher Education Coordinating Act of 1965, as now, or hereafter amended, and the Texas State Technical Institute.'

"Sec. 2. Section 3, Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, is hereby amended to read as follows:

'Campus security personnel; powers, privileges and immunities; oath and bond

'Sec. 3. The governing boards of the state institutions of higher education of this state are hereby authorized to employ campus security personnel for the purpose of carrying out the provisions of this Act and may commission any or all such security personnel as peace officers if such persons to be so commissioned have been certified as qualified to be peace officers by the Commission of Law Enforcement Officers Standards and Education. Any officer commissioned hereunder is hereby vested with all the powers, privileges and immunities of peace officers while on the property under the control and jurisdiction of the respective state institutions of higher education of this state or otherwise in the performance of their duties. It is further provided that any officers

shall take and file the oath required repealed to the extent of such conof peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000 payable to the Governor of this state and his successors in office with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all of the duties as may be required of him by law. Such bond may be sued upon from time to time in the name of any person injured until the whole amount thereof is recovered.'

Sec. 3. Amend Article 2.12, Code Criminal Procedure, 1965, amended by Section 5, Chapter 659, Acts of the 60th Legislature, Regular

Session, 1967, to read as follows: 'Article 2.12 WHO ARE PEACE OFFICERS

The following are peace officers:

'(1) sheriffs and their deputies;
'(2) constables and deputy constables:

(3) marshals or police officers of an incorporated city, town, or vil-

'(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Depart-

ment of Public Safety;
(5) investigators of the district attorneys,' criminal district attorneys,' and county attorneys' offices;

(6) law enforcement agents of the Alcoholic Beverage Commission;

'(7) each member of an arson investigating unit of a city, county or the state;

'(8) any private person specially appointed to execute criminal process;

'(9) officers commissioned by the governing board of any state insti-tution of higher education, public junior college or the Texas State Technical Institute;

'(10) officers commissioned by the Board of Control; and

'(11) game management officers commissioned by the Parks and Wildlife Commission.'

"Sec. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 5. All laws or parts or laws in conflict with this Act are hereby

flict only.

"Sec. 6. The importance of the matter creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enact-

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend House Bill No. 468 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL TO BE ENTITLED

An Act relating to the commission-ing and classification of peace of-ficers, amending Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, and Article 2.12, Code of Criminal Procedure, 1965, as amended by Section 5 of Chapter 659, Acts of the 60th Legislature, Regular Session, 1967; providing for severability; repealing conflict-ing laws; and declaring an emergency."

The amendment was read and was adopted.

On moton of Senator Herring, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 468 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 468 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin Bernal Bates Blanchard Beckworth Bridges

Brooks Mauzy Christie McKool Connally Moore Creighton Patman Grover Ratliff Hall Schwartz Sherman Harrington Harris Snelson Herring Wallace Hightower Watson Jordan Wilson Kennard Word Kothmann

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	\mathbf{Moore}
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	\mathbf{Word}
Hightower	

House Bill 738 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 738, A bill to be entitled "An Act relating to prohibiting a person from hunting or killing white-winged doves unless he has in his possession a white-winged dove stamp issued to him, providing the issuance of the stamp and the payment, allocation, and use of stamp fees; providing a penalty; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 738 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 ing vote:

requiring bills to be read on three several days be suspended and that H. B. No. 738 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	• • •

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-31

Senate Bill and Resolution on First Reading

Senator Kennard moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill and resolution, the provisions of which he explained.

Aikin Jordan Bates Kennard Beckworth Kothmann Bernal Mauzy Blanchard McKool Bridges Moore Brooks Patman Christie Ratliff Connally Schwartz Creighton Sherman Grover Snelson Hall Wallace Harrington Watson Wilson Harris Herring Word Hightower

The following bill and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Kennard:

S. B. No. 954, A bill to be entitled "An Act relating to leasehold interests in land, buildings or improvements owned in whole or in part by the State, a county, a city or cities, a school district, or any other governmental or public entity or body politic; amending Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on State Affairs.

By Senator Kennard:

S. J. R. No. 54, Proposing an amendment to Article VII, Section 18, of the Texas Constitution, to include The University of Texas at Arlington in participation in the Permanent University Fund.

To Committee on Constitutional Amendments.

Senate Bill 213 with House Amendments

Senator Kennard called S. B. No. 213 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Committee Amendment No. 1 to S. B. No. 213 by adding a new section as follows:

Sec. 12. Limitation on Elections. (a) After an election is held in accordance with Section 5 or Section 11 of this Act, a two-year period of time must clapse prior to the calling of another election under either Section 5 or Section 11.

Committee Amendment No. 1

Strike all below the enacting clause and substitute the following therefor:

Section 1. Definitions. In this Act, unless the context requires a different definition,

(1) "commission" means the county civil service commission;

(2) "chairman" means the chairman of the county civil service com-

mission;
(3) "employee" means any person who obtains his position by appointment and who is not authorized by statute to perform governmental functions in his own right involving some exercise of discretion, but does not include a holder of an office the term of which is limited by the Con-stitution of the State of Texas; and (4) "department" means any coun-

ty, district, or precinct office or other agency of the county which has jurisdiction and control of the activities of the employees' official duties.

Sec. 2. Establishment of Civil Service. Any county having a population of 300,000 or more inhabitants according to the last preceding federal census may establish a county civil service system under the provisions of this Act to cover all employees of the county.

Sec. 3. Methods for Creation of A County Civil Service System.

Before a county civil service system may be created under the provisions of this Act, the system must be approved either by an order adopted by a majority of the members of the Commissioners Court or by a majority vote of the qualified electors of the county voting at an election called for that purpose.

Sec. 4. Creation By Order. If the civil service system is created by order of the county commissioners, a copy of the order shall be placed in the minutes of the Commissioners Court and shall be available for public inspection.

Sec. 5. Creation By Election. (a) On its own motion, the Commissioners Court may order an election to be

held to approve the creation of a county civil service system. The election must be held within the 60-day period immediately following the date of the order of election.

(b) The order calling the election shall specify the time and place, or places, of holding the election, the places, of holding the election, the form of the ballots, and the presiding

judge for each voting place.

(c) The Commissioners Court shall publish a substantial copy of the election order in a newspaper of general circulation in the county once a week for two consecutive weeks before the election. The first notice must be published before the 14-day period immediately preceding the day of the election.

(d) The presiding judge of each voting place shall supervise the counting of all votes cast and shall certify the results to the Commissioners Court within 24 hours after the election. A copy of the results is to be filed with the county clerk and become of public record.

(e) At the election, the qualified electors shall vote on the proposition of whether or not a county civil service system is to be created. To create the system, a majority of the qualified electors voting in the election

must approve the proposition.

(f) The ballots shall be printed to allow for voting for or against the proposition: "Creation of a county civil service system."

(g) If the proposition is approved, the Commissioners Court shall declare the results and order the civil service system created. A copy of this order shall be placed in the minutes of the Commissioners Court.

Sec. 6. CREATION OF THE CIVIL SERVICE COMMISSION. (a) After a civil service system is approved under the provisions of this Act, the Commissioners Court shall appoint a civil service commission consisting of three members to administer the system. The Commissioners Court shall designate one of the members as chairman of the commission.

- (b) Each member of the commission holds office for a term of two years and until his successor is appointed and has qualified. Any vacancy on the commission shall be filled by appointment of the Commissioners Court for the unexpired term of the member whose position has been vacated.
- (c) To qualify for appointment to the commission, a person must

(1) be at least 25 years of age; and (2) have been a resident of the county for the three-year period im-mediately preceding the beginning of his term of office.

Sec. 7. COMPENSATION; EX-PENSES; STAFF; ETC. The members of the commission serve without compensation, but the Commissioners Court shall reimburse them for expenses necessarily incurred in performing their duties. The Commissioners Court shall provide the commission with adequate office space and with enough money to employ an adequate staff and to purchase necessary supplies and equipment.

Sec. 8. POWERS OF COMMISSION. (a) The commission shall make, publish, and enforce rules, consistent with the purposes of this

Act, relating to:

(1) selection and classification of county employees;

(2) competitive examinations; (3) promotions, seniority, and ten-

ure; (4) layoffs and dismissals: (5) disciplinary actions;

(6) grievance procedures and other procedural and substantive rights of employees; and

(7) other matters having to do with selection of employees and their advancement, rights, benefits, and

working conditions.

(b) The commission may adopt or use as a guide any civil service laws, rules, or regulations of the United States or of this State or any political subdivision or municipal corporation in this State to the extent that they promote the purposes of this Act and

are consistent with the necessities and circumstances of the county. Sec. 9. APPEALS. (a) Any em-ployee who, under a final decision of the commission, is demoted, suspended, or removed from his position, may appeal the decision by filing a petition in a district court of the county within 30 days after the date of the de-

(b) Appeals under this section shall be tried de novo.

(c) If the district court renders judgment for the petitioner, it may order reinstatement, back pay, and

any other appropriate relief.

(d) Suits instituted under this section have precedence over other civil cases, and the judgment of the district court is appealable as in other civil cases.

Sec. 10. EXEMPTIONS. (a) Any person who is an employee of a county covered by this Act on the effective date of this Act shall not be required to take any competitive examination or perform any other act to maintain his present employment.

(b) Nothing in this Act applies to:(1) assistants, investigators, or oth-

er employees of the District Attorney; (2) the official shorthand reporter of any district or criminal district court.

Sec. 11. DISSOLUTION OF SYSTEM. (a) In any county in which the provisions of this Act have been in effect for one year, on being petitioned by at least 10 percent of the qualified electors of the county, the commissioners court shall call an election to determine whether or not the county civil service should be dissolved.

(b) The provisions of Section 5 of this Act shall apply to holding an election under the provisions of this sec-

(c) The ballots shall be printed to allow for voting for or against the proposition: "Dissolution of the civil service system."

(d) If the proposition is approved, the Commissioners Court shall declare the results and order the civil service system dissolved. A copy of this order shall be placed in the minutes of the Commissioners Court.

Sec. 12. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendments were read.

Senator Kennard moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on S. B. No. 213 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment

by the President of the following conferees on the part of the Senate on the bill: Senators Kennard, Bernal, Mauzy, Brooks and McKool.

House Bill 210 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 210, A bill to be entitled "An Act relating to eligibility for beginning positions with police departments; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 210 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 210 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
	- · · · - -

Nays-1

Hightower

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-30

Aikin Beckworth Bates Bernal

Blanchard Kothmann Bridges Mauzy Brooks McKool Christie Moore Patman Connally Creighton Ratliff Grover Schwartz Sherman Hall Harrington Snelson Wallace Harris Watson Herring Jordan Wilson Word Kennard

Nays-1

Hightower

(President in Chair.)

House Bill 785 on Second Reading

On motion of Senator Connally and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 785, A bill to be entitled "An Act relating to an increased maintenance tax in certain school districts; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 785 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 785 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-31

Aikin Jordan Bates Kennard Beckworth Kothmann Bernal Mauzy Blanchard McKool Bridges Moore Brooks Patman Christie Ratliff Connally Schwartz Creighton Sherman Grover Snelson Hall Wallace Harrington Watson Harris Wilson Herring Word Hightower

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-31

Aikin Jordan **Bates** Kennard Beckworth Kothmann Mauzy Bernal Blanchard McKool Bridges Moore Brooks Patman Christie Ratliff Connally Schwartz Sherman Creighton Grover Snelson Wallace Hall Watson Harrington Wilson Harris Herring Word Hightower

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 65.

S. J. R. No. 16.

S. C. R. No. 88.

S. B. No. 466.

S. B. No. 251.

S. B. No. 895.

Message From the House

Hall of the House of Representatives Austin, Texas, April 29, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 75, A bill to be entitled "An Act relating to qualifications of members of the Banking Section of the Finance Commission of Texas; etc.; and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act to amend the governing instruments of private foundations and non-exempt split-interest trusts to re-

quire certain distributions, prohibit ports for the Committee on Transcertain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency."

(With amendment.)

(With amendment.)

S. B. No. 176, A bill to be entitled "An Act amending the Texas Non-Profit Corporation Act to amend the articles of incorporation of private foundations to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act relating to the fee charged for certified copies of vital records issued by the State Registrar and for searching the files of the Bureau of Vital Statistics; etc.; and declaring an emergency."

S. B. No. 695, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to contract with any political subdivision of the State of Texas located in El Paso County for the construction and operation of a special events center and related facilities on land owned by The University of Texas at El Paso, and authorizing the Board of Regents of The University of Texas System to contract with the political subdivision for joint use of the completed special events center and related facilities; etc.; and declaring an emergency."

Respectfully submitted, DOROTHY HALLMAN, Chief Clerk, House of Representatives

Reports of Standing Committees

By unanimous consent. Senator Mauzy submitted the following report for the Committee on Educa-

S. B. No. 936 (Floor report).

By unanimous consent, Senator Bates submitted the following re- by the following vote:

portation:

S. B. No. 506 (Floor report).

S. B. No. 420 (Floor report).

By unanimous consent, Senator Bridges submitted the following reports for the Committee on Commerce and Industry:

S. B. No. 803 (Amended).

H. C. R. No. 7.

S. B. No. 897 (Adversely).

Committee Substitute House Bill 730 on Third Reading

The President laid before the Senate on its third reading and final passage:

C. S. H. B. No. 730, A bill to be entitled "An Act relating to raising revenue for the support of state gavernment; etc.; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas-19

Aikin	Hightower
Bates	Kennard
Beckworth	Moore
Blanchard	Patman
Bridges	Ratliff
Christie	Sherman
Connally	Snelson
Creighton	Watson
Hall	\mathbf{Word}
Harris	

Nays-12

Bernal	Kothmann
Brooks	Mauzy
Grover	McKool
Harrington	Schwartz
Herring	Wallace
Jordan	Wilson

Vote on Final Passage of House Bill 730 Reconsidered

On motion of Senator Aikin and by unanimous consent, the vote by which C. S. H. B. No. 730 was finally passed was reconsidered.

Question—Shall C. S. H. B. No. 730 be finally passed?

The bill was again finally passed

Aikin	Herring
Bates	Hightower
Beckworth	Kennard
Bernal	Kothmann
Blanchard	\mathbf{Moore}
Bridges	Patman
Christie	Ratliff
Connally	Sherman
Creighton	Snelson
Hall	Watson
Harris	\mathbf{Word}

Nays-9

Brooks	
Grover	
Harrington	
Jordan	
Mauzy	

McKool Schwartz Wallace Wilson

Minority Report on S. B. No. 897

Senator Patman submitted the following Minority Report:

We, the following members of the Commerce and Industry Committee, do hereby give notice under Senate Rule 104 of a favorable minority report for Senate Bill 897 and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

PATMAN MAUZY

The Minority Report was read.

Memorial Resolutions

- S. R. No. 1111—By Senator Wallace: Memorial resolution for Dr. E. L. Goar.
- S. R. No. 1116—By Senator Blanchard: Memorial resolution for George W. Jones.

Welcome and Congratulatory Resolutions

- S. C. R. No. 90—By Senators Creighton and Kennard: Extending commendation to Mayor Tom Vandergriff of Arlington.
- S. R. No. 1108—By Senator Herring: Extending welcome to teachers and sixth grade students, I. W. Popham Elementary School.

- S. R. No. 1109—By Senator Watson: Extending welcome to Jimmy Degrazier.
- S. R. No. 1110—By Senator Watson: Extending welcome to Reuben Talasek, et al.
- S. R. No. 1112—By Senator Herring: Extending support of May First as Loyalty Day.
- S. R. No. 1113—By Senator Herring: Extending congratulations to Texas Industrial Commission on their efforts in compiling a book about Texas Industries.
- S. R. No. 1114—By Senator Watson: Extending welcome to Mr. and Mrs. J. R. Lipscomb, et al.
- S. R. No. 1115—By Senator Watson: Extending welcome to H. H. Coffield and H. H. Coffield, Jr.
- S. R. No. 1117—By Senator Watson: Extending welcome to Ace Alsop.
- S. R. No. 1118—By Senator Watson: Extending welcome to C. C. Beene.
- S. R. No. 1119—By Senator Watson: Extending welcome to Dr. O. B. Gober.

Recess

On motion of Senator Aikin the Senate at 11:54 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 29, 1971

S. C. R. No. 65

S. J. R. No. 16

S. C. R. No. 88

S. B. No. 466

S. B. No. 251

Sent to Comptroller

April 29, 1971

S. B. No. 895